

of cooperation which will bring more progress and prosperity to the members of both our organizations, and continued good service to the public we are dedicated to serve.

Henry S. Owens & Co., certified public accountants, have audited the books of the trustees for the year 1963 and a copy of this audit has been furnished to all members of the board.

Your trustees wish to extend sincere thanks to the members of the national board, to the officers and members of the National Electrical Contractors Association, and the International Brotherhood of Electrical Workers, and especially to Mr. Wilfred D. Howell, executive secretary of the pension benefit trust fund for all the aid and cooperation extended to us throughout the past year. We also extend a special note of thanks to our public member, Senator WAYNE MORSE for his sincere interest in our fund and our work of labor-management cooperation, and for his fruitful efforts to publicize our endeavors and promote them.

Respectfully submitted.

JOSEPH D. KEENAN,

Trustee.

PAUL M. GEARY,

Trustee.

WAR IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an article entitled "Combat Units Dropped Into North Vietnam," published in today's issue of the Washington Post, and a similar story entitled "Sabotage Raids on North Confirmed by Saigon Aide," published in today's issue of the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post,
July 23, 1964]

COMBAT UNITS DROPPED INTO NORTH VIETNAM (By John Maffre)

SAIGON, July 22.—The commanding general of the Vietnamese Air Force said today that his pilots have been dropping combat teams into North Vietnam and that training is being stepped up to increase this capability.

In addition to officially confirming reports of such infiltration attempts, Brig. Gen. Nguyen Cao Ky claimed that his country is unable to win the war solely within South Vietnam, and must attack North Vietnam and "even Communist China."

"We are ready. We could go this afternoon," claimed the 33-year-old general exuberantly in one of the more belligerent statements to be made recently by senior Vietnamese officers.

"I cannot assure that all provinces in North Vietnam would be destroyed," General Ky said, "but Hanoi would be destroyed." Hanoi is the capital of North Vietnam.

His discussion during a press conference at the heretofore secret airbase at Bien Hoa, northwest of Saigon, also resulted in the first public acknowledgement that U.S. Air Force pilots are using Communist-led Vietcong rebels as "live targets" in the course of training Vietnamese pilots to use Skyraider divebombers.

It was broadly hinted during the conference that the United States is planning to provide the Vietnamese air force with jet fighters.

[Administration sources in Washington said they have no information to confirm General Ky's claim that combat teams had been dropped into North Vietnam. There have been recurring reports, however, of ground infiltration into North Vietnam on a small scale.

[Also, American officials denied that the United States has plans to provide the South Vietnamese with jet combat aircraft. State Department Press Officer Robert J. McCloskey reiterated the American military position that South Vietnam in any case does not have enough trained pilots to handle them.

[Other sources said any implication that General Ky's comments represent an American decision to carry the war to North Vietnam at this stage is unwarranted.]

The statements by the young French- and United States-trained general obviously discomfited senior U.S. Air Force advisers present at the press conference. The U.S. advisers present were headed by Maj. Gen. J. H. Moore, commanding the 2d Air Division, which also includes units in Thailand.

At one point in the press conference, General Moore suggested that possibly the newsmen's questions and General Ky's answers were being misunderstood owing to the Vietnamese general's imperfect command of English. However, during the resulting discussion between Moore and newsmen, Ky exchanged broad grins with his staff and several young flight-suited pilots at the rear of the briefing room.

Ky said that although his air force is equipped with only a few Skyraiders recently imported from the United States, he believed he could launch a series of raids in North Vietnam.

He said he believed his planes would encounter ground fire and detection by North Vietnam radar, but that fighter interception could be expected only from Red Chinese fighters based at Ai Nan Island about 150 miles east of North Vietnam.

Ky agreed that the Red Chinese were not likely to remain aloof if North Vietnam was in danger of being bombed into submission.

He added that a decision to attack North Vietnam would be a political one, not military, and he doubted if the government in Saigon was prepared to take such a step now.

In announcing the commando airdrops, Ky said he personally "dropped teams into North Vietnam" as long as 3 years ago. Although he did not specify the exact nature of their operations, the implication was that they were for purposes of sabotage.

Ky said one combat team that had been dropped in North Vietnam was interfered with briefly by a jet fighter which he assumed was Communist Chinese since most of the North Vietnamese Air Force is devoted to transport duties.

Ky did not offer further details on the activities of the combat teams sent north aside from a comment that they were being infiltrated by land and sea, as well as air.

It is known that at least several attempts have been made over the past year to infiltrate guerrilla teams into North Vietnam. Usually nothing further has been heard from these teams. Most Americans feel that the teams were captured quickly or wiped out by the North Vietnamese.

Ky said that about 1,500 Vietnamese air force men currently are being trained in the United States and that an arrangement is being sought with Thailand for jet training there for Vietnamese pilots.

He added that he asked Secretary of Defense Robert McNamara during his last visit to supply South Vietnam with the latest jets. These he identified as the F-5 twin-jet fighter manufactured by Northrop for sale to NATO countries and other friendly powers but not used by U.S. forces.

Ky said McNamara held out hope that South Vietnam might get the jets although agreements at Geneva forbid supplying North or South Vietnam with jet aircraft.

When General Moore was asked whether the United States intended to supply jets to South Vietnam, he said it "would be a logical assumption," since Americans are training Vietnamese jet pilots.

At present the Vietnamese Air Force has few pilots qualified in jets. One possibility

often mentioned is that Thailand and the Philippines would provide jet training in addition to regular pilot training now in progress.

General Moore also disclosed plans for doubling Vietnamese air force capability and improving several airfields for larger or faster planes.

In the discussion of training, General Moore and airbase adviser Col. William C. Bethea noted that during training Vietnamese pilots fly in two-seat, side-by-side trainer versions of the Skyraider when on combat missions attacking enemy positions.

The officers nodded in agreement when newsmen noted that this meant both Americans and Vietnamese are firing at "live targets." American policy toward Vietnam constantly stresses the advisory and non-combat role of the 16,000-some American troops stationed here.

Two-year-old Bien Hoa Airbase where the press conference took place, long has been declared off limits to the press, although it is known commonly that fighter-bomber training is in progress there.

[From the New York Times, July 23, 1964]

SABOTAGE RAIDS ON NORTH CONFIRMED BY SAIGON AIDE

(By Peter Grose)

SAIGON, SOUTH VIETNAM, July 22.—The commander of South Vietnam's Air Force confirmed today that "combat teams" had been sent on sabotage missions inside Communist North Vietnam and that Vietnamese pilots were being trained for possible larger-scale attacks.

Teams have entered North Vietnam by "air, sea, and land," Air Commodore Nguyen Cao Ky said at a news conference.

He indicated that clandestine missions had been dispatched at intervals for at least 3 years. This confirmed, in effect, charges of such penetration broadcast by the Hanoi radio.

TEAMS HAVE LITTLE SUCCESS

From evidence so far made known unofficially, these raids have had virtually no success. More than 80 percent of undercover teams were reported to have been apprehended before they had made any progress in their sabotage missions.

More infiltration teams are undergoing training, Commodore Ky said. He also said that Vietnamese pilots were being trained to fly jets on bombing attacks. Thirty Vietnamese have qualified as jet fliers, he added.

"We are ready," Commodore Ky said. "We could go this afternoon. I cannot assure that all of North Vietnam would be destroyed, but Hanoi would certainly be destroyed."

His statements disturbed the commander of the U.S. 2d Air Division, Maj. Gen. Joseph H. Moore, who attended the news conference. At one point, General Moore tried to suggest that Commodore Ky did not have a complete command of English and might be misinterpreting questions. At another time, the general said that newsmen were twisting Commodore Ky's statements.

United States policy has been to restrain South Vietnamese leaders in their evident enthusiasm for an extension of the war to the North. The reasoning has been that such actions would divert energies from the task of defeating the Communist insurgency in South Vietnam.

Commodore Ky's insistence on acknowledging past sabotage missions and readiness to undertake more and bigger attacks in the future reflected the stand taken by Premier Nguyen Khanh in a speech delivered Sunday. General Khanh led a mass meeting in a shout of "to the North."

[From the New York Times, July 23, 1964]

COMMODORE WENT ON RAID

SAIGON, July 22.—Commodore Ky disclosed today that he had personally piloted a plane

**Members on pension (as provided in art. III—
A, sec. 3, par. B of employees' benefit
agreement as amended)**

1947	2,891
1948	2,984
1949	3,346
1950	4,024
1951	4,355
1952	4,697
1953	5,264
1954	6,134
1955	6,991
1956	7,816
1957	8,151
1958	7,533
1959	8,972
1960	6,425
1961	5,936
1962	5,418
1963	4,924

**Men on pension: expected demand on pen-
sion fund (according to actuarial studies)**

1955	6,471
1960	11,917
1965	20,386
1970	32,367
1975	36,517
1980	40,677

**Accumulated total payments received by
board of trustees from the national elec-
trical benefit board**

1947	\$1,257,623.55
1948	3,404,474.31
1949	5,478,499.14
1950	7,547,505.77
1951	10,680,016.76
1952	16,791,977.08
1953	23,219,629.52
1954	31,569,601.00
1955	39,676,686.95
1956	50,405,686.95
1957	59,800,686.95
1958	68,625,686.95
1959	77,550,686.95
1960	87,150,686.95
1961	97,050,686.95
1962	107,650,686.95
1963	118,600,686.95

Statement of receipts and disbursements

Cash on hand Jan. 1, 1963..... \$405,541.54

Cash receipts:

Contributions from NEBB	10,950,000.00
Payments—Real estate loans	11,404,631.57
Interest:	
Real estate loans	3,448,440.37
Securities	278,826.50
Sale of securities	9,840,210.00
Dividends	156,326.00
Rent	30,000.00
Commitment fees and discounts	5,525.00
	36,113,958.44
Total	36,519,499.98

Cash disbursements:

Pensions paid	3,081,256.00
Securities purchased:	
Real estate loans	19,892,458.00
Securities	6,031,083.00
Time deposits	5,250,000.00
Stocks and bonds	1,176,641.00
Investment expenses	262,759.00
Postage and supplies	4,460.00
Other	13,389.00
	35,712,046.00
Balance	807,453.98

**Statement of receipts and disbursements—
Continued**

Cash Dec. 31, 1963:

American Security & Trust Co.	\$660,307.00
American Security & Trust Co. Agency	60,301.00
In transit	36,745.98
Bank of Nova Scotia	14,650.00
In transit	85,450.00
Total	807,453.98

**Receipts from the national electrical benefit
fund by quarters**

1947	Amount
June	\$284,489.98
September	424,867.73
December	548,265.84

March	459,789.49
June	598,898.12
September	534,026.90
December	554,136.25

March	548,528.46
June	612,633.43
September	485,260.70
December	427,602.24

March	391,057.87
June	526,448.06
September	680,989.66
December	470,511.04

March	573,773.54
June	603,385.69
September	832,518.92
December	1,122,832.84

March	1,418,242.35
June	1,397,827.78
September	1,837,450.49
December	1,458,439.70

March	1,458,876.96
June	1,650,052.47
September	1,723,872.01
December	1,594,851.00

March	1,794,740.46
June	1,872,843.05
September	1,820,376.39
December	2,862,011.58

March	1,917,154.98
June	1,904,222.16
September	2,199,701.55
December	2,085,007.28

March	4,465,000.00
June	1,915,000.00
September	2,085,000.00
December	2,265,000.00

March	2,015,000.00
June	2,305,000.00
September	2,475,000.00
December	2,600,000.00

March	2,150,000.00
June	2,180,000.00
September	2,220,000.00
December	2,275,000.00

March	2,200,000.00
June	1,975,000.00
September	2,350,000.00
December	2,400,000.00

March	2,200,000.00
June	2,250,000.00
September	2,500,000.00
December	2,650,000.00

**Receipts from the national electrical benefit
fund by quarters—Continued**

1961	Amount
March	\$2,350,000.00
June	2,300,000.00
September	2,500,000.00
December	2,750,000.00

March	2,450,000.00
June	2,600,000.00
September	2,750,000.00
December	2,800,000.00

March	2,625,000.00
June	2,325,000.00
September	2,850,000.00
December	3,150,000.00

**Quarterly receipts from national electrical
benefit fund, 1962-63**

March:	
1962	\$2,450,000
1963	2,625,000
June:	
1962	2,600,000
1963	2,325,000
September:	
1962	2,750,000
1963	2,850,000
December:	
1962	2,800,000
1963	3,150,000

You will note that in the statement re number of members on pension—1963, that six members were admitted to pension. These were IBEW members admitted to pension prior to the NLRB ruling and who later returned to the trade. They have now again asked to receive their pension.

The net decrease in number of electrical workers receiving pension from the pension benefit trust fund in December 1963 was 494. In December 1962 it was 518. The total number of persons receiving pensions from the pension benefit trust in December 1963, as shown in our statement, was 4,924. However, it should be pointed out here that the actual number of members receiving pensions from this fund and the IBEW pension fund was 20,773.

By the time that this report went to press that figure had increased to 21,789.

CONCLUSION

That concludes the statistical report and the observations which your trustees feel should be a part of this annual report to the national board. Behind the figures reported here of the millions collected and the millions paid out in pensions, there are living human beings to whom the millions are paid in \$50 a month payments. Every month dozens of letters are received from grateful retirees who explain how much that \$50 supplement means to them in terms of food and medicine and simple pleasures. These are the men who helped to make our industry one of the greatest and most progressive in the world.

It is a good feeling to know that NECA-IBEW cooperation has been extended to include them also.

We close our report for 1963 with a note on the encouraging outlook for the electrical industry the years ahead portend. The long-range outlook is good, and the forecasts of business outlays for the immediate future are up 12 to 15 percent over 1963 spending. It is believed that 1964 will exceed the previous record set in 1956 when the era of postwar industrial rehabilitation reached its peak, and that this boom will continue into 1965.

In the bright years ahead your trustees are convinced that the National Electrical Contractors Association and the International Brotherhood of Electrical Workers will continue to cooperate and seek still other areas

over North Vietnam and that the raids were continuing.

"We keep very low and they can't hit us," he said.

A U.S. official, who declined to be identified, that he understood Commodore Ky's flight was made 3 years ago, which by now was "ancient history."

"I don't think you should make too much of Ky's remarks," the official said, "and they shouldn't be taken out of context. It sounds as if we're on the verge of war, when in reality, we're not. I hope this thing doesn't get out of hand."

There had been earlier reports from Washington, however, that U.S. Special Forces were training South Vietnamese raiders for action in North Vietnam. These reports came from informed sources who said U.S. soldiers were not being included in the raiding groups because they would be too conspicuous in a party of Asians and because participation by Americans would be hostile action against another country.

The Hanoi radio has repeatedly broadcast announcements of trials of "spy commandos" captured in North Vietnam.

There have been unconfirmed reports during the last week of stepped-up sabotage activity by South Vietnamese agents, using mines and bombs, around the North Vietnamese cities of Hanoi, Vinh, Thanh Hoa, and Haiphong.

Commodore Ky told his news conference that he believed Communist China would probably move into the fight if North Vietnam were bombed. He said that South Vietnam should proceed nonetheless to combat Hanoi's work in support of the Vietcong guerrillas.

The commodore's disclosure came as U.S. advisers expressed growing concern about successful Communist ambushes in South Vietnam.

A high American officer forecast bitterly that the ambushes would continue until Vietnamese troops learned to post security patrols each time they move.

"We're begging, we're pleading, we're reminding them," the officer said. "We're cajoling, we cry, we stamp out in fury, we do everything, we bring them ice cream. But we haven't succeeded."

Communist military activity has reached its highest level since the Vietcong staged an offensive last November.

The latest in a series of Vietcong ambush victories was a battle yesterday in Chuong Thien Province, near the southern tip of Vietnam.

Disciplined, black-garbed Communist soldiers killed at least 26 Government troops, wounded more than 100, and are presumed to have captured 135 missing men.

Mr. MORSE. Mr. President, I should like to make a brief comment. Let us face the fact that the United States is now at war in North Vietnam as well as South Vietnam if these stories are true—and I understand that they are true. We are at war by way of subterfuge. If those stories are true we are now—and there is no question about it—an out-and-out aggressor against another power in southeast Asia; namely, North Vietnam. That makes us clearly in violation of our treaty obligations under the United Nations Charter.

I hope that our country will change its course of action immediately and not let a group of little military tyrants operating in a military dictatorship in South Vietnam jeopardize the lives of millions of Americans which will be jeopardized if we do not stop them from leading us into a full-scale war in Asia. The military dictator of South Vietnam, General

Khanh and his military cohorts are nothing but stooges of the United States. We must assume responsibility for their acts of aggression in North Vietnam. We supply them with their planes, military weapons, training, and we send American drafted boys into South Vietnam to die. Our undeclared war in South Vietnam is a shameful bloody blot on the pages of U.S. history.

TRIBUTE TO SENATOR ERVIN AS CONSTITUTIONAL WATCHDOG

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a very fine and well-merited tribute to our finest constitutional lawyer, Hon. SAM ERVIN, of North Carolina.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

SAM ERVIN: CONSTITUTIONAL WATCHDOG—
ATTENTIVE TO RIGHTS OF THE UNFORTUNATE
(By Luther J. Carter, Virginian-Pilot
Washington writer)

WASHINGTON.—A Senator may be better known for his occasional flamboyant public acts than for steady, inconspicuous service of more abiding value. Such may well be the case with Senator SAM J. ERVIN, JR., the former North Carolina Supreme Court Justice who conducted a little filibuster of his own last year in grilling Bobby Kennedy on the civil rights bill.

Senator ERVIN is chairman of the hard-working Judiciary Subcommittee on Constitutional Rights, which exercises a continuing oversight of the rights of every citizen. The subcommittee has been particularly attentive to the rights of those who may be in a poor way to protect themselves. The rights of the enlisted man in military service, the American Indian, the mentally ill, and the down and out who find themselves denied bail without just cause are all the subject of new legislative safeguards, either already enacted or currently being proposed.

No one who attended the subcommittee hearings of 1962 on the constitutional rights of servicemen could fail to have been impressed by the thoroughness and quality of the staff work that preceded and followed them.

It was a valuable inquiry which showed such shortcomings in military justice as a too frequent resort to administrative discharges without court-martial, excessive use of summary proceedings in which the accused had scant protection, lack of adequate trial records, and frequently the absence of competent defense counsel.

Some corrective steps already have been taken by Congress and the military, and more are on the way. Eighteen bills to safeguard the rights of military personnel are even now under consideration in the subcommittee. The diligent pursuit of a legislative inquiry well into the third year after starting it is commendable in itself; for a congressional committee to drop an investigation after fully exploiting its publicity value is not the norm, but each deviation from that practice is worthy of a cheer.

BOBBY BAKER'S PENSION

Part of the credit for the subcommittee's performance goes to William A. Creech, its able and articulate counsel and staff director who practiced law in Smithfield, N.C., until Senator ERVIN hired him. But ERVIN, as chairman and overseer, deserves much praise for giving the staff its sense of direction and steadiness of purpose.

The Senator's interest in the Constitution and the safeguards it affords is deep and genuine; evidence of this was seen recently in a little, largely unreported episode involving the notorious, unloved Bobby Baker. Thursday a week ago, ERVIN walked on to the Senate floor just as Senator JOHN J. WILLIAMS, of Delaware, was offering an amendment to the Federal pay bill.

WILLIAMS, beneath whose mild exterior are joined the instincts of a bulldog and a ferret, proposed to deny pension rights to any employee of the Government who withholds from a congressional committee documents or testimony relating to his official duties. The effect of the proposal, which was to apply retroactively to September 26, 1961, would have fallen squarely upon Bobby Baker, who invoked the fifth amendment rather than tell of his exciting and profitable extracurricular activities as Secretary to the Senate majority.

LAPSED INTO SILENCE

ERVIN did not speak up for Baker, whose friends in the Senate have either lapsed into silence or crept under rocks as crayfish will do in a creekbed, but he said more than a word for the sanctity of the Constitution, which has been called the greatest instrument ever struck off by the hand and purpose of man.

"The amendment is a flagrant, brazen violation of the Constitution, as interpreted by the Supreme Court," said ERVIN. He said that besides penalizing a man for exercising his rights under the fifth amendment, the Williams proposal would apply retroactively, and hence violate the Constitution's prohibition of ex post facto laws.

Several Senators rallied to WILLIAMS, while two voiced objections similar to ERVIN's. Senator JOSEPH S. CLARK, of Pennsylvania, a liberal Democrat who quite often parts company with ERVIN on Senate rollcalls, said the Williams amendment was "fundamentally un-American."

This was the point of view that carried the day, the amendment being rejected 52 to 38. It was a brief episode in a busy Senate day and attracted little notice. But it served to suggest that ERVIN is watchful for those passing moods and humors in which Congress might chip away at a citizen's rights.

TENNESSEE PREPARATORY SCHOOL GRADUATE SAYS THANKS TO TAXPAYERS

Mr. WALTERS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from a young man in my State, which was published in the Nashville Banner of June 30, 1964.

I believe that this is one more outstanding example of the character of today's young people, our future leaders. It is particularly reassuring in view of the present widespread emphasis on juvenile delinquency.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TENNESSEE PREPARATORY SCHOOL GRADUATE
SAYS THANKS TO TAXPAYERS

To the EDITOR OF THE BANNER:

This is an open letter to the taxpayers of Tennessee.

I would like to take this opportunity to express my deepest appreciation to all the people for the parts they have played in my life.

I am a product of the Tennessee Preparatory School. Having entered the school at the age of 10 and leaving at the age of 18, I have spent almost half my life under the watchful care, being fed, clothed, educated,

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and disciplined by the resources you have provided.

I am fortunate to have never known nakedness, hunger, homelessness, lack of discipline, or the promise of an insecure tomorrow. I was taught respect for people. I was taught appreciation of a fine, comfortable home, was proud to have a part in its care.

After leaving high school, you are enabling me to further my studies through your college funds. I shall attend Tennessee Preparatory Institute here in Tennessee, majoring in industrial technology, using the allotment furnished from your college fund. I am indebted to you for this opportunity that gave me both the desire and the drive to further my education. My regret is the realization that many of you were never afforded this opportunity and yet gave unselfishly to my support.

I am particularly grateful to Mr. John K. Edgington, who, more than any one individual, has influenced me as a teacher, counselor, and steadfast friend. I am grateful to all the faculty for their personal interest in one among many, for their patience, understanding discipline and fine example. I believe they are some of the finest and most capable people I know.

The bulk of my gratitude is to all of you—for you are responsible for the development, aims, and success of my future. You have made me, both directly and indirectly, what I am. I am proud to have been a student at the Tennessee Preparatory School, which has really been a home, and I am indebted to you.

PHILIP W. SCOTFIELD,
Graduate of 1964 Class.

ECONOMIC OPPORTUNITY ACT OF 1964

The Senate resumed the consideration of the bill (S. 2642) to mobilize the human and financial resources of the Nation to combat poverty in the United States.

Mr. SMATHERS. Mr. President, first, I ask for the yeas and nays on the substitute.

The yeas and nays were ordered.

Mr. SMATHERS. Mr. President, I do not believe that any further explanation of the substitute is needed. I am prepared to yield back the remainder of my time after making one short statement.

My substitute grew out of an amendment that was first prepared by the able and distinguished senior Senator from Georgia. After talking with him, the Senator from Minnesota, and the prospective director of the new service—

Mr. GRUENING. Mr. President, may we have order? We cannot hear the speaker.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order. The Senator may proceed.

Mr. SMATHERS. In consideration of what each of the parties was trying to do—those interested in the protection of States rights, in the one instance, and those interested in the endeavor not to interfere with the existing contractual programs which are now going on between some agencies of the government in higher educational institutions—and in consideration of the fact that we did not want absolutely to tie the hands of the director in dealing with certain public agencies, and with the presumption that public agencies, such as the State welfare director, the State conservation commissioner, the State athletic director,

whoever he may be, or the county officials are actually creatures of the Government, I believe what we should do is to confine this particular provision to private nonprofit organizations that might be in the business of making contracts with the Federal Government. This is the area that we felt needed to be covered, and we therefore covered it, not only with respect to title II, as was attempted to be done by the amendment offered by the Senator from Vermont [Mr. PROUTY], but we also extended it to title I, where it was also needed.

In some respects, I believe the amendment goes further with respect to protecting States rights than did the Prouty amendment.

Mr. RUSSELL. Mr. President, will the Senator yield me 1 minute?

Mr. SMATHERS. I yield such time to the Senator from Georgia as he may need.

Mr. RUSSELL. Mr. President, I ask unanimous consent to have printed in the RECORD amendment No. 1127, being the original amendment I proposed upon this subject.

There being no objection, the amendment (No. 1127) was ordered to be printed in the RECORD, as follows:

On page 105, between lines 10 and 11, insert a new section as follows:

"REQUIREMENT FOR STATE APPROVAL OF ASSISTANCE TO NONGOVERNMENTAL AGENCIES

"SEC. 608. In carrying out the provisions of this Act no contract or other agreement shall be made with, or grant, loan, or other assistance provided to, any private nonprofit or other private institution or organization for the purpose of carrying out any program, project, or other activity within a State unless a plan setting forth such proposed contract, agreement, grant, loan, or other assistance has been submitted to the Governor of the State, and such plan has not been disapproved by him within thirty days of such submission."

On page 105, line 12, strike out "Sec. 608" and insert in lieu thereof "Sec. 609".

On page 105, line 18, strike out "Sec. 609" and insert in lieu thereof "Sec. 610".

Mr. JAVITS. Mr. President, will the Senator yield me some time in opposition?

Mr. HUMPHREY. I yield the Senator some time on the bill.

Mr. JAVITS. Mr. President, if I may have 2 or 3 minutes, the deficiency in the particular proposal which is before us lies in the fact that it excludes public agencies, and relates only to private, nonprofit agencies. I have heard the explanation of the Senator from Georgia, who is a very able lawyer, and who is entirely correct in his statement. But this still leaves the question to be decided by the Senate. It is true that a State, by enacting certain legislation, can inhibit every one of its subdivisions dealing with the poverty program, unless the Government will allow it. That is pretty demeaning. It has to be affirmatively done. Congress is "writing the ticket." I believe we could make the operation more dignified by providing the Governor authority with respect to both public and private agencies.

I agree with the Senator from Georgia that it can be done, but it represents an assertion of authority which, in some

States, might be regarded as offensive to local communities and much more difficult than if Congress wrote the rules of the game into this legislation. It seems to me that the right thing to do is to give the Senate a clear shot at its objective in order to get the job done; and the way to do it is to amend the provision which is now before the Senate.

I have consulted with the Parliamentarian, and have learned that it cannot be done in this manner. In order to arrive at this solution, it would be necessary for the Senate to reject this amendment, and have another proposal before it with the words "public agency" in it as well as the words relating to private agencies.

As I sense the sentiment of the Senate. My whole intent and design has never been to make my views necessarily those of the Senate, but to do something which would be, in my judgment, necessary to proper governmental organization.

Therefore, if the Senate will reject the pending amendment, I hope the authors will, or I will, submit the substitute again with the words "or public agency" in it. Because that seems to be the clear purpose and intent of the Senate, as well as of the Senator from Georgia, I hope the movers will withdraw the amendment, and adopt what appears to be the sense of Members of the Senate. But if that is not done, the only recourse for the Senate would be to reject this substitute, and then endeavor to adopt a substitute which seems to represent the sense of the majority of the Members of the Senate. I believe it should include the words "or public agency." Then we shall have adopted what the Senate indicates is the desire of the Senate in regard to this particular matter.

Mr. MILLER. Mr. President, will the Senator yield for a brief question?

Mr. JAVITS. I yield.

Mr. MILLER. I ask the Senator from New York whether or not he has asked the Senator from Florida if he will agree to modify the amendment in the manner in which the Senator from New York has described. I have not heard that discussion.

Mr. JAVITS. I have. The Senator from Georgia explained in great detail that he felt that if a State wished to impose that inhibition against local subdivisions, it could do so by legislation. I argued that those efforts would be difficult ones to impose upon a State, and that it would be more dignified to provide that both private and public institutions should be included. Apparently the authors are unwilling to accept that.

Mr. SALTONSTALL. Mr. President, will the Senator yield 2 minutes to me?

Mr. TOWER. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I may say to the Senator from Florida, and the Senator from Georgia, and Senators from other States that permit Governors to have control over officials like the commissioner of public welfare, that in my State he does not have any such control. The Public Welfare Commissioner of Massachusetts is elected for a term of so many years. Therefore, the Commissioner would not have to pay any attention to